

## **REMARKS**

Claims 1-44 are pending in the present application. Claims 1-44 are rejected. Applicants believe that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

### **37 C.F.R. §1.131 Affidavit**

Turcanu is not discussed in this response as applicants' have sworn behind this alleged prior art via a declaration pursuant to 37 C.F.R. §1.131 attached to this response.

Applicants' would like to thank the Examiner for telephonically discussing the Advisory Action dated March 8, 2007 and agreeing that the affidavit supplied was sufficient to support conception of the invention prior to the effective date of the reference.

### **35 U.S.C. 103 Rejection**

Claims 1-44 are rejected under 35 U.S.C. 103 as being allegedly unpatentable over Hall et al. (U.S. Patent No. 6,032,051) ("Hall") in view of Turcanu et al. (U.S. Patent Publication No. 2005/0054361) ("Turcanu"). Applicants respectfully traverse the rejection. Applicants believe that neither Hall nor Turcanu, separately or in combination, disclose, teach or suggest the features of "sending an alert from an originator to a group communication server ... transmitting an alert from the group communication server to the target ... registering at the group communication server that no response was received from the target."

Applicants' independent claims are generally directed for "detecting or announcing presence and/or location information in a wireless communication network" (Abstract) wherein the feature of "sending an alert from an originator to a group communication server ... transmitting an alert from the group communication server to the target ... registering at the

group communication server that no response was received from the target ..." is not taught or suggested. As discussed below, Hall simply does not teach or suggest the feature where a status is not received from the target. The rejection alleges that Turcanu teaches the elements of the claims not taught by Hall. However, applicant's are submitting a 37 C.F.R. §1.131 affidavit along with this office action swearing behind the Turcanu reference. Therefore, Turcanu is not prior art to the application and cannot be used to reject the claims. This leaves just Hall as a prior art reference, and as described below, Hall fails to teach each element of the claims.

Hall discloses wireless mobile communications devices which automatically transmit, therebetween, information regarding the status of the devices. Abstract. Although Hall does disclose the use of a Home location register (HLR) database to maintain mobile unit group membership information and group member status information, Col. 4 lines 57-66, it does not disclose, teach or suggest "sending an alert from an originator to a group communication server ... transmitting an alert from the group communication server to the target ... registering at the group communication server that no response was received from the target ..." In fact, Hall does not suggest the possibility of sending an alert and registering that no response was received from the target. Hall does explain that "FIG. 13 illustrates phone A sending a 'status update' message to HLR. The status update message includes the status of phone A and the identification of phone A. Example FIG. 14 is similar to FIG. 13 in that phone A sends a 'status update' message to HLR including the status of phone A and the phone A identification information. However, FIG. 14 also illustrates that HLR automatically forwards this 'status update' message to other phones in the group such as phone B and phone C." Col. 5, lines 9-17. So, while there is a status update message discussed in Hall relative to a phone sending its own status information, there is nothing in Hall to suggest all the features of Applicants' independent claims 1, 7, 13, 19, 25, 30, 35 and 40.

### **Dependent Claims**

Claims 2-6, 8-12, 14-18, 20-24, 26-29, 31-34, 36-39 and 41-44 depend directly or ultimately from, and include all the subject matter of, claims 1, 7, 13, 19, 25, 30, 35 and 40, and should be allowed for at least the same reasons presented above regarding the independent claims as well as the additionally recited features found in the claims. Because independent claims 1, 7, 13, 19, 25, 30, 35 and 40 are believed to be allowable, Applicant has not argued or otherwise relied on independent patentability of dependent claims, but reserves the right to do so in this or any subsequent proceeding.

### CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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